

REMARKS

Upon entry of this paper, claims 1, 2, 4, 5, 8, 9, 11, and 14-18 have been amended, claims 3 and 10 have been canceled, and no claims have been added as new claims. Thus, claims 1-2, 4-9, and 11-18 are presently pending in this application. No new matter has been added. The cancellation of claims 3 and 10 should in no way be construed to be an acquiescence to any of the rejections stated. Claims 3 and 10 are being canceled solely to expedite the prosecution of the present application. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent patent application.

Examiner Notes

Applicants thank the Examiner for noting the differences in terminology utilized in the claims. Applicants believe the amendments herein correct all instances of "CAD program" to read "CAD application".

Claim Objections

Claims 1 and 8 were objected to for the reasons noted. Applicants have followed the suggestion provided by the Examiner and amended claims 1 and 8 to more clearly indicate that which Applicants believe to be their invention. Accordingly reconsideration and withdrawal of this objections is respectfully requested.

Oath/Delcaration

The oath or declaration was indicated as defective because it was not executed. It appears that some portion of a prior submission by Applicants has not been correctly communicated to the Examiner by the internal USPTO docketing system. On June 10, 2002, the USPTO received, and acknowledged receipt of, a Response to Missing Parts, which included a fully executed Declaration and Power of Attorney. Applicants received a postcard back from the USPTO confirming receipt. Applicants are including a complimentary copy of the DPOA and postcard for the Examiner's review. If the Examiner still finds the executed Declaration to be

defective, Applicants respectfully request that the Examiner contact the Applicants' below signed representative to address any errors.

Claim Rejections – 35 USC § 102

Claims 1-2, 8-9 and 15-18

Claims 1-2, 8-9 and 15-18 were rejected under 35 U.S.C. 102(e) as being anticipated by Ari Rappoport, US Patent 6,614,430. Independent claims 1, 8, and 14-18 have all been amended to further clarify the invention. Applicants further distinguish the claimed invention from Rappoport according to the following remarks.

Specifically, Rappoport translates “the specification data into a target data format” (page 6, paragraph 2, emphasis added in the Office Action). As such, Rappoport requires conversion or translation from a source format of the first CAD application to an intermediate format, and then finally to a final or second CAD application format. Such multiple conversions/translations create multiple opportunities for losses of data and portions of data. There is no discussion in Rappoport of sharing the “native data” between the first CAD application and the second CAD application.

Anticipation can only be established by a single prior art reference teaching each and every element of the claimed invention performing the identical function in the same way. Applicants respectfully submit that claimed aspects of the present invention are absent from Rappoport and thus, there can be no anticipation.

In light of the above comments and amendments, Applicants respectfully submit that the claims of the present invention are not anticipated by, and are therefore in condition for allowance over, the cited document. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections – 35 USC § 103*Claims 3-7 and 10-14*

Claims 3-7 and 10-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ari Rappoport, US Patent 6,614,430, and in further view of Kash et al, US Patent 6,542,937. Claims 1 (from which 3-7 depend), 8 (from which 10 depends), and 14 have been amended to more clearly identify the present invention. Additionally, claim 3 has been canceled and the subject matter thereof combined with claim 1. Applicants further distinguish the claimed invention from Rappoport and Kash according to the following remarks.

The combination of Rappoport with Kash fails to teach or suggest each element of the claimed invention. Specifically, as discussed above, Rappoport fails to disclose, teach, or suggest “the first CAD application storing the data in the form of feature information and feature history relating to a modeled object, the data stored as native data and a sub-set of native data, wherein the sub-set of native data results from processing the native data with at least one routine from a first library of executable routines to derive the sub-set of native data; providing the second CAD application with access to the feature information and feature history stored by the first CAD application; and the second CAD application reading the native data feature information and the feature history stored by the first CAD application, such that the second application can evaluate, recreate, regenerate, and/or model the modeled object, the feature information, and the feature history.” *See* claim 1, *see also* claims 8 and 14. Thus, there is no recognition in Rappoport of a provision of native data feature information and history.

The combination of Rappoport with Kash fails to provide the teaching or suggestion of providing the native data relating to the feature information and feature history such that the second CAD application can access the native data of the first CAD application directly, as claimed herein.

Applicants respectfully submit that unless a *prima facie* case of unpatentability with respect to known facts is established, applicants are not obliged to proffer any evidence of nonobviousness. To establish a *prima facie* case there must be some suggestion or motivation,

either in the prior art or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine multiple reference teachings. There must then be a reasonable expectation of success. Finally, the prior art reference or references (when combined) must teach or suggest all the claimed limitations.

Applicants respectfully submit that the combination of Rappoport and Kash fails to teach or suggest every characteristic of Applicants' claims 1, 8, and 14, and all claims depending therefrom. Applicants further submit that all claims of the present invention are not obvious with respect to, and are therefore allowable over, the cited documents. Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicants courteously solicit allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Applicant believes no fee beyond that for a one-month extension of time is due with this statement. However, if an additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. PAS-171 from which the undersigned is authorized to draw.

Dated: January 10, 2005

Respectfully submitted,

By 

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